

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Anthony Joseph Jennings,

PETITIONER

v.

United States of America,

RESPONDENT

Crim. No. 4:11-cr-02078-TLW-1

C/A No. 4:16-cv-02349-TLW

Order

Petitioner Anthony Joseph Jennings pled guilty to a charge of armed bank robbery and a related charge of possessing a firearm during and in relation to and in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c). He was sentenced to a total of 105 months incarceration, consisting of 45 months on the armed bank robbery count and 60 months consecutive on the § 924(c) count. ECF No. 89. In his § 2255 petition, he asserts that armed bank robbery is not a valid § 924(c) predicate conviction in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), and, thus, that his sentence on that count “was imposed in violation of the Constitutional or laws of the United States and violates due process.” ECF No. 120 at 6.

The Fourth Circuit has now foreclosed Petitioner’s argument, holding that armed bank robbery is a crime of violence under the force clause in § 924(c)(3). *United States v. McNeal*, 818 F.3d 141, 157 (4th Cir. 2016). Accordingly, Petitioner’s petition for relief pursuant to § 2255, ECF No. 120, is **DENIED**. This action is hereby **DISMISSED**.¹

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing

¹ A response from the Government is not required because “the motion and the files and records of the case conclusively show that [Petitioner] is entitled to no relief” 28 U.S.C. § 2255(b).

Section 2255 Proceedings. In order for the Court to issue a certificate of appealability, Rule 11 requires that Petitioner satisfy the requirements of 28 U.S.C. § 2253(c)(2), which in turn requires that he “has made a substantial showing of the denial of a constitutional right.” The Court concludes that he has not made such a showing, and it is therefore not appropriate to issue a certificate of appealability as to the issues raised in this petition. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

November 1, 2017
Columbia, South Carolina